



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

MEH:ddj
Docket No: 1842-00
6 July 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1900 SER 814/0U0266 of 7 June 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1900
Ser 814/OU0266
7 Jun 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS (BCNR)

Via: BUPERS/BCNR COORDINATOR, PERS-OOXCB

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF EX-MM1
[REDACTED]

Ref: (a) BUPERSINST 1900.8

Encl: (1) BCNR File #01842-00
(2) Petitioner's Service Record

1. After careful review of ex-MM1 [REDACTED] petition and microfiche service record, enclosures (1) and (2) respectively, I do not concur with the member's statements. On May 6, 1998, member signed his notification letter acknowledging he was being separated for the convenience of the government for physical and mental condition. This is a condition, not a medical discharge. He was also warned in the same notification letter that he may be "subjected to a reimbursement requirement for recoupment of advance education assistance costs, bonuses, or special pay". Furthermore, on 23 February 1998 he was counseled that when he refused treatment for his medical condition that he could be subjected to separation from the naval service. Since the member was involuntarily discharged for a condition and not a disability, and was not entitled to a board, his separation code "JFV" was correctly assigned.

2. This is an advisory memorandum for the use of the Board for Correction of Naval Records only.

[REDACTED]

Head, Favorable Enlisted
Separations Section